

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6601 of 1998

and

SPECIAL CIVIL APPLICATION No 4763 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? No
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No :

MAHALAXMI TEXTILE MILLS

Versus

TEXTILE LABOUR UNION

Appearance:

NANAVATI & NANAVATI for Petitioner

MR AKIL KURESHI for Respondent No. 1

(in both the matters)

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 15/07/1999

COMMON ORAL JUDGEMENT

1. These two writ petitions can be disposed of by
common judgment.

2. The facts giving rise to these petitions are that
some dispute arose between Mahalaxmi Textile Mill and the
workmen of this Textile Mill regarding issue of permanent

passes to all the workmen. The matter was taken before the Labour Court, Bnavnagar. The said Court vide order dated 21.7.1994 allowed the application of the Labour Union and directed the Mill to issue permanent pass to all the workmen named in Para : 7 above within 30 days from the date of the order. Feeling aggrieved the Mill as well as the Labour Union preferred Appeal before the Appellate Authority. The Appellate Authority, namely, Industrial Court, Bhavnagar, dismissed the Appeal No. IC-3/94 filed by the Mill Company, but partly allowed the Appeal No.IC-4/94 filed by the Labour Union and the original order was modified to the effect that the Mill Company was directed to treat the concerned workmen as permanent from the date from which they are completing Six months on the permanent vacant post, issue them permanent passes and give them all other consequential benefit. In these writ petitions these two orders are actually under challenge.

3. Having heard the learned Counsel for the parties it is felt that these two petitions can be finally disposed of at the admission stage.

4. It has been contended that with reference to Special Civil Application No.6601/98 B.I.R. Application No.33/90 containing the names of various workmen has to be reconsidered by the Labour Court in view of ambiguity as to from which date these workmen are working on permanent vacant post. Similarly it has been contended that application B.I.R. No.37/92 regarding two workmen is likewise vague inasmuch as Column No.5 is blank and this relate to Special Civil Application No.4763/99. In order to clarify the above ambiguity the orders of the Labour Court and the Industrial Court have to be quashed in relation to B.I.R. No.33/90 and 37/92. The orders of these two Authorities are quashed in respect of these two applications but confirmed in relation to other matters. The matter is remanded to the Labour Court for decision of Application B.I.R. No.33/90 and B.I.R. 37/92 afresh after giving an opportunity to the parties to adduce such evidence as they desire in support of their cases and thereafter the mater in relation to these two applications shall be decided in accordance with law. No order as to costs.

sd/-

Date : July 15, 1999 (D. C. Srivastava, J.)

sas